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09/751,934	12/29/2000	James Neal Richter	RNOT.80303	8042

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EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,934

Applicant(s)

Bozeman et al.

Examiner

T. Chen

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 28, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-12, and 14-25 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, and 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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***Response to Amendment***

1. This is in response to amendment filed on 04/28/2003 (paper # 11 ).
2. The terminal disclaimer filed on 04/28/2003 disclaiming the terminal portion of any patent if it is granted on this application which would extend beyond the expiration date of U.S. co-pending application No. 09/549,568 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:  
  
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1-2, 4-12 and 14-25, are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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5. As to claim 1, applicant fails to disclose the mechanism to determine a non-probabilistic weighting or strength.
6. As to claims 12, 16 and 18, applicant fails to define the specific claimed non-probabilistic Network.
7. As to claim 14, applicant fails to disclose the means for arranging said relationship links in direct proportion to the outcome of said ensemble of algorithms. Thus, based on the discussion above, since the lack of definition of non-probabilistic Network and the supporting technique for the claimed weighting or arranging subject matters, it is not enable a skilled person in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
8. As to claims 2, 4-12, 14-25, these claims have the same defects as their base claims, hence are rejected for the same reason.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1-2, 4-12, 14-25, are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1-2, 4-12, 14-25, fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the original specification filed on 12/29/2000. In that paper, applicant has stated throughout the whole specification including the original title, drawing [e.g., see the unit (304), Fig. 3; the unit (405), Fig. 4A], abstract [e.g., line 13], specification [e.g., see the Summary of Invention, Page 4, line 3] and claims [e.g., the original claims 1, 12, 14, 16, 18], the type of network being disclosed is Bayesian-type Belief Network, and the weight/strength being assigned to a link which is supported or merged via the Bayesian Belief link. As such, the specification indicates that the invention is different from what is claimed now -- non-probabilistic weight/strength/network in the instant claim(s). because Applicant fails to defined the metes/bounds of the claimed non-probabilistic network and it's supporting techniques.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1-2, 4-12, and 14-22, are rejected under 35 U.S.C. 102(e) as to the best of examiner's understanding being anticipated by Horvitz et al. (U.S. Patent No. <sup>6,182,133</sup>~~6,021,403~~).

12. As to claim 14, Horvitz further disclosed the apparatus for providing classification of informational items in an information retrieval system comprising:

a) means for detecting an access of informational items [14, 15, 16, 18, 20, 22, 24, 26, Fig. 1];

b) means for applying an ensemble of clustering algorithms [Event Processor; Fig. 7; col. 12, lines 40-50; col. 15, lines 32-40];

c) means for creating relationship links between the informational items to enhance the effectiveness of the system [Event System Specification Tool; col. 14, lines 24-43];

d) means for weighting the relationship links [e.g., 1030, Fig. 10A; 192, Fig. 16; 284, Fig. 32; col. 22, lines 41-53; col. 32, lines 7-15];

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e) means for arranging the relationship links in direction proportion to the outcome of the ensemble of algorithms [e.g., Ranking by the highest probability; for example, see 280-285, Fig. 32; Fig. 33].

13. As to claims 15 and 16, Horvitz further disclosed the apparatus having:

a) means for aging the relationship links [time-stamps of a modeled event; for example, see StartTime entry, EndTime entry, etc. of col. 13, table; col. 16, lines 10-14];

b) means for pruning the relationship links [probability decay function; col. 16, lines 34-37];

c) means for merging the resulting output of ensemble of algorithms into a Network [Inference engine, 165, Fig. 13; col. 19, lines 21-51; col. 20, line 46 - col. 21, line 7].

14. As to claims 1-2 and 4-12, the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure of claims 14 - 16 in the combination discussed above, hence were rejected for the same reasons.

15. As to claims 17-22, these claims recite the same subject matter as claims 1-2, 4-12 and 14-16, in form of computer readable storage medium, hence were rejected for the same reason.

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*Claim Rejections - 35 USC § 103*

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz (U.S. Patent No. 6,021,403) and in view of Zellweger (U.S. Patent No. 5,630,125).

18. As to claims 23-25, Horvitz did not expressly disclose the method having steps of:

a) recursively determining (or reexamining) an efficient path for a particular help item (or a subsequent help item) of interest, based on the context in which the help item (or subsequent help item) was sought; and

b) dynamically changing and storing the context and path in which a help item (or a subsequent help item) is sought.

19. However, Zellweger disclosed a system having method to:

a) recursively determining (or reexamining) an efficient path for a particular help item (or a subsequent help item) of interest, based on the context in which the help item (or subsequent help item) was sought [Improving Menu Access, col. 8, line 65 - col. 9, line 56]; and



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b) dynamically changing and storing the context as well as path in which a help item (or a subsequent help item) is sought [col. 5, lines 5-17; col. 7, lines 1-5; col. 8, lines 50-62; for example, see Fig(s). 7-8 ].

20. Thus it would have been obvious to one of the ordinary skill in the art to combine the teachings of Horvitz and Zellweger, because by using the steps as claimed in Harvitz system would allow the system to provide a direct access of help item (or subsequent help item) of interest for an end user and facilitate the retrieving of the stored context in which a help item (or subsequent help item) is sought.

#### *Response to Arguments*

21. Applicant's arguments filed on 04/28/2003 have been fully considered but they are not persuasive.

22. Regarding Applicant's arguments with respect to the U.S. Code 102 rejections, the examiner disagrees with applicant's assertion that Applicants' invention contains limitations and steps which are neither taught, suggested or a part of a Bayesian network. As described earlier, applicant has cited throughout the whole specification including the original title, drawing [e.g., see the unit (304), Fig. 3; the unit (405), Fig. 4A], abstract [e.g., line 13], specification [e.g., see the Summary of Invention, Page 4, line 3] and claims [e.g., the original claims 1, 12-14, 16, 18],

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the type of network being disclosed is Bayesian-type Belief Network, and the weight/strength being assigned to a link which is supported or merged via the Bayesian Belief link. As such, the specification indicates that the invention is different from what is claimed now -- non-probabilistic weight/strength/network. Therefore, since the disclosure fails to defined the metes/bounds of the claimed non-probabilistic network and it's supporting techniques. All the arguments based on this non-probabilistic network is regarded as not persuasive.

23. Regarding Applicant's arguments with respect to the U.S. Code 103 rejection, the examiner disagrees with applicants' assertion that the prior art on record, including Zellweger (U.S. Patent No. 5,630,125 )fails to disclose dynamically change .

24. In response to applicant's arguments against the references individually, the Office points out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

25. Furthermore, as cited in the above paragraphs, Horvitz specifically discloses a system includes "a novel inference engine with an annotated Bayesian network to include special temporal reasoning procedures. The inference engine includes a new specific approximation procedure which uses a single explicit Bayesian network knowledge base, but changes likelihood

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information in the network based on distance in the past that an observation was made. The knowledge base includes special annotations with temporal dynamics information and the inference engine includes special procedures to handle changes in relevance with the passing of time.” [see col. 5, lines 57-67]. Additionally, Zellweger specifically teaches that an important feature of his invention is that “it produces an Information System which is configured dynamically on the end-user's computer. This enables an author to customize features for each application he or she creates. The custom features include not only the types of searches that can be performed by an end-user, and the appearance of the screens and menus, but also what particular information is saved when an end-user makes a selection at an object screen. This broadens the usefulness of the present invention whereby Information Systems can be configured to help end-users complete lengthy or complicated forms, produce simple documents, create checklists, or generate product orders.” [see col. 8, lines 50-63]. Hence, one of ordinary skill in the art at the time the invention was made would in fact, contrary to applicant's arguments, look to incorporate the customization feature taught by Zellweger into Horvitz's knowledge base model for dynamically changing and storing the information as claimed, such that, the combined system will provide a direct access of help item (or subsequent help item) of interest for an end user and facilitate the retrieving of the stored context in which a help item. Therefore, the examiner contends that there would be most definitely a reasonable expectation of success.

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*Conclusion*

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this

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group are: (703) 746-7238 (After Final Communication); (703) 746-7239 (Official Communications); and (703) 746-7240 (For Status Inquiries, Draft Communication).

29. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen

July 7, 2003

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER